

KEVIN V. RYAN (CASBN 118321)
United States Attorney

MARK L. KROTOSKI (CASBN 138549)
Chief, Criminal Division

DEREK R. OWENS (CASBN 230237)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-6488
Facsimile: (415) 436-7234
E-Mail: derek.owens@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No.: 05-00429 MAG
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	<u>ORDER EXCLUDING TIME</u>
v.)	
)	
PETER P. PATRELLA,)	
)	
Defendant.)	

On October 23, 2006, the parties in this case appeared before the Court and stipulated that time should be excluded from the Speedy Trial Act calculations from October 23, 2006 to November 14, 2006 for effective preparation of counsel, in that defense counsel required adequate time to consider the merits of filing a suppression motion. The parties represented that granting the continuance was the reasonable time necessary for effective preparation of both defense counsel and the United States, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting

such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

KEVIN V. RYAN
United States Attorney

DATED: 10/24/06

/s/ Derek R. Owens
DEREK R. OWENS
Assistant United States Attorney

DATED: 10/24/06

/s/ Elizabeth Falk
ELIZABETH FALK
Attorney for Mr. Patrella

As the Court found on October 23, 2006, and for the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations from October 23, 2006 to November 14, 2006 for effective preparation of defense counsel and the United States. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny counsel reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

SO ORDERED.

DATED: October 25, 2006

